

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

| | | |
|---------------------------|---|-------------|
| COURTNEY S. MCKENZIE, |) | |
| |) | |
| Petitioner, |) | |
| |) | 1:06CV770 |
| v. |) | 2:92CR228-7 |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

O-R-D-E-R

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on September 20, 2007, was served on the parties in this action. Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Petitioner's motion for reduction of sentence [Docket No. 180] be **DENIED** and that this action be dismissed with prejudice. **IT IS FURTHER ORDERED** that Petitioner's request for appointment of counsel [Pleading No.

190] is **DENIED** for lack of good cause. A judgment dismissing this action will be entered contemporaneously with this Order.

This the day of January 25, 2008

/s/ N. Carlton Tilley, Jr.
United States District Judge